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PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box ☐Approved for use through 10/31/02. OMB 0651-0031.
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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OIP TRANSMITTAL FORM (to be used for correspondence after initial filing) JAN 0.5 2004 PATENT & TRADEMARK OFFICE	Application Number	10/090,316
	Filing Date	March 1, 2002
	First Named Inventor	Peter G. Borden
	Group Art Unit	2877
	Examiner Name	Rosenberger, Richard A.
Total Number Of Pages In This Submission	9 + (cited ref.)	Attorney Docket No. BOX006 US

ENCLOSURES (check all that apply)

- | | | |
|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input checked="" type="checkbox"/> Fee Attached -- Credit Card Payment Form (1 pg) | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declarations | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation of Previous Powers; And Statement Under 37 CFR 3.73(b) | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | Return Receipt Postcard |
| <input checked="" type="checkbox"/> Information Disclosure Statement (2 pgs) | <input type="checkbox"/> Request for Refund | PTO Form 1449 (4 pgs) |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | Copies of 23 Cited References |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application (2 pages) | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

Remarks

PLEASE NOTE THAT ASSIGNEE NO LONGER CLAIMS SMALL ENTITY STATUS.


SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Omkar K. Suryadevara (Reg. No. 36,320) Silicon Valley Patent Group LLP 2350 Mission College Boulevard, Suite 360 Santa Clara, California 95054
Signature	S. Omkar
Date	January 5, 2004


EXPRESS MAIL LABEL NO.: ER 308 113 868 US

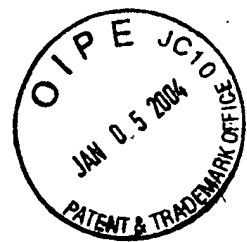
Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Arlington, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450.

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 <h2 style="margin: 0;">FEE TRANSMITTAL FOR FY 2004</h2> <p style="font-size: small; margin: 5px 0;">Patent fees are subject to annual revision.</p>		Complete if Known	
		Application Number	10/090,316
		Filing Date	March 1, 2002
		First Named Inventor	Peter G. Borden
		Group Art Unit	2877
		Examiner Name	Rosenberger, Richard A.
TOTAL AMOUNT OF PAYMENT		(\$) 180.00	
		Attorney Docket No	BOX006 US

METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																																																																																																														
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any underpayment and credit any overpayments to:</p> <p>Deposit Account Number: 50-2263</p> <p>Deposit Account Name: Silicon Valley Patent Group LLP</p> <p><input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed:</p> <p><input type="checkbox"/> Check <input checked="" type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>	<p>3. ADDITIONAL FEES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>950</td><td>2253</td><td>475</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,010</td><td>2255</td><td>1005</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>290</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - 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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Omkar K. Suryadevara	Registration No. (Attorney/Agent)	36,320
Signature		Telephone	(408) 982-8200 ext. 3
		Date	January 5, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Peter G. Borden; Ji-Ping Li
Assignee: Boxer Cross
Title: Apparatus and Method for Measuring A Property of a Layer in a Multilayered Structure
Serial No.: 10/090,316 Filing Date: March 1, 2002
Examiner: Rosenberger, Richard A. Group Art Unit: 2859
Docket No.: BOX006 US Confirmation No: 5495

Santa Clara, California
January 5, 2004

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.97(c)**

Dear Sir:

Pursuant to 37 C.F.R. § 1.56, §1.97 and §1.98, the Applicants submit for consideration in the above-identified patent application the document listed on the accompanying Form PTO-1449. Copies of references numbered 69-91 are submitted herewith. The Examiner is requested to make these documents of record. The remaining references are not attached hereto, because these references are issued patents which are readily available in the U.S. Patent and Trademark Office.

This Information Disclosure Statement is submitted pursuant to 37 CFR §1.97(c) as it is after receipt of a first Office Action on the merits but before mailing of a final Action or Notice of Allowance. Accordingly, a fee is required pursuant to 37 CFR §1.17(p). A Fee Transmittal form (PTO/SB/17) is attached to this submission.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

In addition, Applicants submit for the Examiner's consideration, the prosecution histories of the following co-owned applications/patents, cited by serial number, first named inventor and filing date. The Applicants presume that the Examiner has access to

00000077 10090316

180.00 OP

-1-

Application No. 10/090,316

SILICON VALLEY
PATENT GROUP LLP

2350 Mission College Blvd.
Suite 360
Santa Clara, CA 95054
(408) 982-8200
FAX (408) 982-8210

01/09/2004 MAHMED1

01 FC:1806

and will review the cited applications/patents and the files thereof for any office actions, amendments or other materials that may be relevant to the patentability of the claims of the present application.

Citation of these prosecution histories (including the arguments against patentability advanced by Examiners in their respective Office Actions and the Applicants' arguments in the corresponding Amendments) is in accordance with the recent case DAYCO PRODUCTS, INC. v. TOTAL CONTAINMENT, INC., 02-1497, decided May 23, 2003 by the Court of Appeals for the Federal Circuit. The Examiner is presumed to be knowledgeable about the current case law, including the above-mentioned Dayco case. However, if the Examiner needs a copy of the Dayco case, please call the undersigned.

For any of the following U.S. patent application(s) that are currently pending, the Applicants further presume that the Examiner will consider any future office actions, amendments or other materials in the file thereof that may be relevant to the patentability of the claims herein. **If the Applicants' understanding in this regard is not correct, please notify the undersigned so that copies of any such documents can be submitted to the Examiner.**

	Serial No.:	First Named Inventor	Date:
1.	09/974,571	Peter G. Borden	10/09/2001
2.	10/090,287	Peter G. Borden	03/01/2002
3.	09/521,232	Peter G. Borden	03/08/2000
4.	10/090,262	Peter G. Borden	03/01/2002
5.	09/788,273	Peter G. Borden	02/16/2001
6.	10/722,724	Peter G. Borden	11/25/2003
7.	09/095,805	Peter G. Borden	06/10/1998

The information contained in this Information Disclosure Statement is to the best of my knowledge and is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.


**Via Express Mail Label No.
ER 308 113 868 US**

Respectfully submitted,




Omkar K. Suryadevara
Attorney for Applicants
Reg. No. 36,320

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Santa Clara, CA 95054
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U.S. Department of Commerce Patent and Trademark Office  INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	Application No.:	10/090,316
	Filing Date:	March 1, 2002
	First Named Inventor:	Peter G. Borden
	Group Art Unit:	2877
	Examiner Name:	Rosenberger, Richard A.
	Confirmation No.:	5495
	Attorney Docket No.:	BOX006 US


U.S. Patent Documents							
*Examiner Initials		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	1.	6,489,801	12/3/02	Borden et al.	324	766	
	2.	5,966,019	10/12/99	Borden	324	752	
	3.	5,377,006	12/27/94	Nakata	356	349	
	4.	6,323,951	11/27/01	Borden et al.	356	502	
	5.	6,426,644	7/30/02	Borden et al.	324	765	
	6.	5,042,951	8/27/91	Gold et al.	356	369	
	7.	5,159,412	10/27/92	Willenborg et al.	356	445	
	8.	5,181,080	1/19/93	Fanton et al.	356	381	
	9.	5,228,776	7/20/93	Smith et al.	374	5	
	10.	4,255,971	3/17/81	Rosencwaig	73	606	
	11.	4,579,463	4/1/86	Rosencwaig et al.	374	57	
	12.	4,632,561	12/30/86	Rosencwaig et al.	356	432	
	13.	6,049,220	4/11/00	Borden et al.	324	765	
	14.	6,483,594	11/19/02	Borden et al.	356	502	
	15.	5,652,716	7/29/97	Battersby	703	13	
	16.	5,761,082	6/2/98	Miura-Mattausch	703	14	
	17.	4,996,659	2/26/91	Yamaguchi et al.	714	736	
	18.	6,154,280	11/2/00	Borden	356	376	
	19.	6,054,868	4/25/00	Borden et al.	324	752	
	20.	5,883,518	3/16/99	Borden	324	752	
	21.	5,877,860	3/2/99	Borden	356	376	
	22.	5,978,074	11/2/99	Opsal et al.	356	72	
	23.	5,574,562	11/12/96	Fishman et al.	356	432	
	24.	6,169,601	1/2/01	Eremin et al.	356	239.8	
	25.	3,803,413	4/9/74	Vanzetti et al.	250	338	

Examiner:	Date Considered:
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U.S. Department of Commerce Patent and Trademark Office  INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	Application No.:	10/090,316
	Filing Date:	March 1, 2002
	First Named Inventor:	Peter G. Borden
	Group Art Unit:	2877
	Examiner Name:	Rosenberger, Richard A.
	Confirmation No.:	5495
	Attorney Docket No.:	BOX006 US

26.	2002/0126732A 1	9/12/02	Shakouri et al.	374	130	
27.	6,330,361	12/11/01	Mitchell et al.	382	211	
28.	4,201,087	5/6/80	Akita et al.	73	339	
29.	6,178,020	1/23/01	Schultz et al.	359	107	
30.	5,128,864	7/7/92	Waggener et al.	364	413.2	
31.	5,304,931	4/19/94	Flamig et al.	324	309	
32.	2003/0036231A 1	2/20/03	Bhattacharva et al.	438	201	
33.	2002/0186045A 1	12/12/02	Cox	326	41	
34.	2003/96436A1	5/22/03	Satya et al.	438	11	
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37.	6,486,965	11/26/02	Kim	356	626	
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39.	6,327,035	12/4/01	Li et al.	356	432	
40.	5,454,004	9/26/95	Leger	372	99	
41.	6,281,027	9/28/01	Wei et al.	438	14	
42.	4,975,141	12/4/90	Greco et al.	156	626	
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44.	4,950,990	8/21/90	Moulder	324	224	
45.	5,667,300	9/16/97	Mandelis et al.	374	43	
46.	4,521,118	06/00/85	Rosencwaig	374	5	
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51.	5,764,363	6/9/98	Ooki et al.	356	364	

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	53.	5,657,754	8/19/97	Rosencwaig	128	633	
	54.	4,634,290	1/6/87	Rosencwaig	374	5	
	55.	4,552,510	6/11/85	Rosencwaig	374	7	
	56.	4,243,327	1/6/81	Frosch et al.	356	432	
	57.	3,930,730	1/6/76	Laurens et al.	356	106	
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	59.	4,468,136	8/28/84	Murphy et al.	374	45	
	60.	4,466,748	8/21/84	Needham	374	129	
	61.	5,408,327	4/18/95	Geiler et al.	356	432	
	62.	4,795,260	1/3/89	Schuur et al.	356	400	
	63.	6,559,942	5/6/03	Sui et al.	356	369	
	64.	6,336,969	1/8/02	Yamaguchi et al.	117	7	
	65.	6,528,333	3/4/03	Jun et al.	438	16	
	66.	6,081,334	6/27/00	Grimbergen et al.	356	357	
	67.	3,462,602	8/16/67	Apple	250	83.3	
	68.	5,149,978	09/22/92	Opsal et al.	250	234	

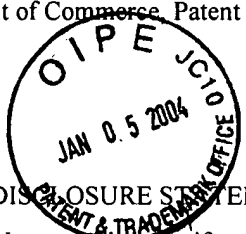
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							Translation	
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	71.	2000009443A	1/1/2000	Japan	G01B			X
	72.	99/64880	16.12.1999	PCT	G01R	31/26		
	73.	05006929A	Jan-93	Japan	H01L	21/66		
	74.	00/07357	3/20/00	PCT	G01R	21/17		

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78.	Opsal et al. "Thermal-Wave Detection and Thin-Film Thickness Measurements with Laser Beam Deflection", Applied Optics, Vol. 22, No. 20, Oct. 1983, pp. 3169-3176	
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82.	C. Martinsons et al. "Recent progress in the measurement of thermal properties of hard coatings" Thin Solid Films, vol. 317, April 1998, 455-457.	
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84.	Yaozhi Hu and Sing Pin Tay, "Spectroscopic ellipsometry investigation of nickel silicide formation by rapid thermal process", J. Vac. Sci. Technology, American Vacuum Soc. May/Jun 1998, pages 1820-1824	
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89.	Rolf E. Hummel, "Electronic Properties of Materials, An Introduction For Engineers", published prior to March 1, 2002, pages 137-145	
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91.	"Process Monitoring System", Quantox Product Brochure, 3 pages, published prior to March 1, 2002	

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